

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMETRIUS DEWAYNE GAINES,

Defendant.

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Hon. Phillip J. Green

Case No. 1:17-mj-000-282

**ORDER OF DETENTION**

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a Criminal Complaint with conspiracy to possess with intent to distribute and to distribute heroin and cocaine, in violation of 21 U.S.C. 846; 841(a)(1);841(b)(1)(A) and (C). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis the he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a significant risk of flight, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on September 14, 2017, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the presumption of detention regarding risk of flight, but has not rebutted the

presumption of detention as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden of proving by clear and convincing evidence, that he poses a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on September 14, 2017.

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge